

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
Madison County Administration Building, Public Meeting Room
July 27, 2020**

1. Call to Order: 6:12 p.m. by President Darlene Tussing

2. Roll Call:

Members present: Darlene Tussing, Pat Bradley, David Laufenberg, and Laurie Schmidt.

Members present virtually : April Gerth, Tamara Millican-Wood, Steve Janzen, Lincoln Roberts, Rita Owens and Del Bieroth

Members absent: Jacqueline Lev

Staff present: Alex Hogle (Planning Director) and Michelle Schriock (Planning Clerk)

Others present virtually: Van Puckett (Madison County Sanitarian), Keely Larson (The Madisonian) and Scott Lowery (Harrison Lake Ranch Subdivision)

3. Minutes: June 29, 2020

MOTION: To accept the minutes of the June 29, 2020 meeting, with corrections moved by Schmidt; seconded by Bradley. Motion carried.
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4. President's Comments: No comments.

5. Opportunity for Public Comment for Items Not on the Agenda: No comments.

6. Statement of Conflict of Interest/Ex Parte Communications: No comments.

7. Monthly Report: Hogle reviewed the June 2020 monthly Planning Office report, highlighting topics of interest. Additional topics included the following:

- Status on Planner 1 position. Shylea Wingard has been hired and her expected start date is 08/03/2020.
- Discussion on problematic civil matters brought to the attention of the Planning Department including: 1) Drinville Subdivision, where the adjoining landowners were disputing the application of magnesium chlorate to a shared segment of road; 2) Eclipse Subdivision, where existing owners have concerns regarding a recent Boundary Line Adjustment of Lot 5 with adjacent tracts and implications on use of the existing internal road as access to those tracts. Bradley asked if there is litigation regarding this yet? Hogle - not that we're aware of, 3) Indian Ridge Subdivision, regarding building envelopes established after final plat and concerns of an owner with adjacent lot development.

8. Pre-Applications:

Ruby Valley Campground & RV Park

Hogle reviewed the pre-application meeting held with Ryan Hudock of C&H Engineering in the Planning Department Office. The applicant added additional RV spaces without proper permitting and approval to an existing RV park and campground, and the RV park will need

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to go through subdivision review to gain compliance. There are 12 non-permitted RV and 4 tent non-compliant spaces. The review will be specific to the new RV spaces. The applicable setbacks from Highway 287 right of way were discussed in the pre-application meeting, and if they're not met, a variance request will not be supported because there is no 'hardship' as the existing offset is the result of the applicant's actions.

Tussing: Will they need to be reconfigured? Hogle stated they would if they're not able to demonstrate compliance with the required 25' setback.

Bradley: How did the Sanitarian's Office become aware of it? Puckett - During an annual inspection, the additional spaces were identified.

Gerth: What doesn't comply re: subdivision and DEQ? Hogle – the owner created 13 RV spaces with water, sewer and electrical connections that were never reviewed and approved in the SE corner of the property, and RV spaces for lease or rent are included in the definition of subdivision and require subdivision review.

Gerth: Where is the septic system? Puckett - the property is served by the Alder municipal system and DEQ approval is needed prior to annual permitting under Title 50.

Janzen: Is there a dump station there? Puckett – Yes, it's existing and believes the tank is pumped and the rest of it is on the Alder municipal system.

Gerth: Did they already have the two approaches off the highway? Hogle - Yes

Yellowstone Club Lower Golf Course Phase 2

Hogle met with Justin Houser to discuss the review process for the proposed 2-lot subdivision in an unplatted area of Yellowstone Club's Lower Golf Course Subdivision. This will constitute a Subsequent Minor Subdivision because the area has already had subdivisions beyond a minor. It seems the Geotechnical portion appears to be a substantial component of this proposal. The buildable terrain exceeds 15% grade. Lidar pictures showing topographic site is forested. East Golf Drive is an existing completed and established.

Bradley: It appears that the driveway entrances could be dangerous coming around corners. A suggestion is to have a lower speed limit. Hogle – The internal road systems are private and subject to internal reviews by the architectural committees.

Tussing: Are the proposed access roads to access the pumps only? Hogle – It's an existing pump station building and believes that they are building off of the older road for accessing the pump house as well as accessing a proposed chair lift site.

Gerth: How much traffic and are there needs for road density? Hogle – Cannot confirm that at this time.

Gerth: Noted, per the applicant, this will meet the Madison County Subdivision Regulations for low-density mountainous roads and traffic affecting this area. Gerth pointed out seismic activity. It is worth mentioning the combination of traffic and the seismic activity would also need to be taken into consideration? Hogle –That ties in the necessity to have a site-specific

geologic assessment and could arrange a site visit for the Planning Board to see for themselves.

Bradley: How steep are the roads? Hogle – not sure.

Bradley: How close to the build-out? Hogle – There are approximately 32 units after the Eglise Subdivision, constituting two of those units that are in the Overall Development Plan.

Harrison Lake Ranch, Inc. (Wade Minor Subdivision)

The proposal is for a single lot Subdivision that would create a 20.5 acre parcel from the 350 acre subject property. The location has relatively flat terrain with sagebrush and grasses and no surface waters. This will qualify as a First Minor Subdivision with the associated 35 working day review period.

Bradley: Bradley asked is the shorter review period from the most recent legislature? Hogle – No, the time frame has been in place for some time per MCA (76-3-609) Review Procedure for Minor Subdivision.

Motion to waive GEO Technological Report by Schmidt and seconded by Millican-Wood. Motion carried.

Board Functioning:

- Potential Subdivision Regulations Revision/Update Committee, Overview PUDs, Water and Geologic Criteria Inc.
 - **Tussing/Schmidt:** A committee to work on Potential Subdivision Regulations Revisions/Update.
 - **Schmidt:** Hogle has previously noted that the Subdivision Regulations aren't consistent with statute in regard to certain provisions and there has not been an amendment process.
 - **Hogle:** Suggested a few tiers of amendments. First updating legislative changes, second could be housekeeping improvements and, the third entailing policy related matters.
 - **Schmidt:** Referred to a list she has been compiling which contains the previously discussed topics for the Madison County Subdivision Regulation Review committee. The topics include legislative updates, RIDs, Pre-app meetings with Planning Board necessity, Fee Schedule, Agency Clarification, MCA- Proposed Phase Development, Table of Contents, and PCSRs.
 - **Hogle:** Other topics could be the statutes in our current Subdivision regulations and look at ODPs thoughtfully.
 - **Tussing:** Suggested the first topic for the committee should be "housekeeping" and essential matters.
 - **Schmidt:** Noted that these need to be done as this has been a topic several times in discussions during past meetings, but not followed up on.
 - **Bradley:** She has indicated concern with the use of PUDs and wants to evaluate that provision in the Subdivision Regulations.
 - **Schmidt:** Suggested looking at other counties in Montana regarding PUDs.

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- **Hogle:** In his experience with PUDs, they are often used in conjunction with zoning. While Madison County has not adopted zoning, which typically establishes guidelines for density, the county has adopted the ODP provision (which is not established under statute)

After discussion, Bradley, Schmidt and Laufenberg volunteered to participate with staff as the Subdivision Regulation Review Committee. The committee will focus on specific topics and update the Planning Board accordingly, ultimately providing a recommendation on a draft text amendment to the board of Commissioners.

9. Old Business

While there was no agenda item scheduled under 'Old Business', Schmidt indicated an interest to discuss the Lee's Pool Subdivision preliminary plat review, for process only, not specifics, which had been a 'public hearing' scheduled as agenda item on the June 29, 2020 Planning Board agenda. Schmidt entered discussion on the review process and staff rationale for the recommendations provided in the staff report prepared for the June 29 public hearing. Hogle noted the Planning Board's recommendation on the proposed preliminary plat and PUD (which differed from staff recommendation re: the proposed modification of the applicable construction setbacks from waterbodies) had been forwarded to the Board of Commissioners (governing body) and that they had not yet considered and taken action on the proposal. Hogle indicated a discussion on the particulars of the review process history was contained in the staff report for reference, and that a qualitative discussion on the rationale and merit of the staff findings and recommendations was not appropriate due to the fact that a decision on the application by the governing body was still pending/active and the Planning Board had performed its function in the review process having conducted and adjourned a public hearing according to the process outlined in Montana statute and the local subdivision regulations. Schmidt disagreed with Hogle's perspective on the topic and continued to engage in the discussion. Hogle again sought the Board's consensus to end what he viewed as inappropriate discussion. Millican-Wood moved to end the discussion, and Laufenberg seconded. A roll call vote occurred and the Board voted 9-1 to end the discussion.

Motion to discontinue discussion by Millican-Wood, seconded by Laufenberg. Motion carried 9-1

10. New Business

- Planning Board Member Reports – None
- Discussion – Town of Sheridan Growth Policy update process

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- Hogle met on July 15, 2020 with Bob Stump (Mayor of Sheridan), Jeremy Fadness (Planner with WCC) and Scott Payne (Engineer). They are tasked with developing a capital improvements plan, updating the growth policy and creating a set of subdivisions specifically for the town. They currently participate in our inter-local agreement with recommendations from our Planning Department and Planning Board. Would there be interest with the Planning Board to participate with them as a potential sub-committee? After discussion, the Board prefers to receive the document after they've done the work for review and comment. Gerth recommended instead of reviewing the document as a whole, have the Sheridan committee present documents as various stages are developed.
- There was discussion about the recently posted position of 'Development Coordinator'. This is a topic which has been raised by Van Puckett to primarily serve the needs of the Sanitation Department and to potentially assist the Planning Department. Hogle indicated the Planning Department is functioning adequately and the text of the job description ought to reflect the function of the job as intended by Mr. Puckett. This matter is an agenda item for the County Commissioner's meeting on July 28, 2020.
- The position of the Development Coordinator has a long history with the Planning Board who have wanted and supported it for a very long time. It was meant to cover gaps between the offices of Sanitarian, Planning, Clerk and Recorder, Emergency Services and educate the public.

11. Adjournment

The meeting was adjourned at 8:46 p.m.



Darlene Tussing, President



Michelle Schriock, Secretary